

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

RADAMES MOLINA ALBELO, o/b/o)	
himself and all other persons similarly)	
situated,)	
)	
Plaintiff,)	
)	Case No.: 4:17-cv-0454-DGK
v.)	
)	
EPIC LANDSCAPE PRODUCTIONS, L.C.,)	
)	
Defendant.)	

ORDER PROPOSING REVISED COLLECTIVE CLASS DEFINITION

This is a collective action lawsuit seeking to recover unpaid wages and overtime pursuant to the Fair Labor Standards Act (“FLSA”). On May 23, 2018, the Court¹ conditionally certified a collective class under the FLSA consisting of “all current and former landscape laborers who worked for Defendant at any time from June 5, 2014, to the present who were not fully compensated at the applicable wage rates for all work performed.” Order at 5, ECF No. 41.

After reviewing the record in conjunction with Defendant’s motion for decertification, it appears that the Court’s definition for the collective class strayed from the parties’ proposed definitions. Although neither party has objected to the Court’s specific definition, it was inartfully worded. Accordingly, the Court, on its own motion, proposes altering the collective class definition to the following: “All current and former hourly landscape laborers who worked for Defendant at any time from June 5, 2014, to the present.”

If either party objects to this change, they shall file a brief on or before June 8, 2021. This brief shall not contain more than five pages of argument, shall not be used to re-litigate whether

¹ This case was previously assigned to the Honorable Ortrie D. Smith, Senior Judge, United States District Court for the Western District of Missouri. It was transferred to the undersigned on January 22, 2020.

the Court should certify any collection action in this case, and shall explain how the suggested change is not necessary to avoid the problem of a “fail-safe” class definition. If either party files a brief opposing the proposed change, the other party may file a response, not to exceed five pages of argument, within five business days. If a response is filed, the party filing the initial brief may file a reply, not to exceed three pages of argument, within three business days.

IT IS SO ORDERED.

Date: June 1, 2021

/s/ Greg Kays

GREG KAYS, JUDGE

UNITED STATES DISTRICT COURT